



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/786,880	02/25/2004	Nicholas J. Helmer II	P6280	1906

7590 12/27/2005
Nicholas J. Helmer, II
Suite 202
188 North Wells Street
Chicago, IL 60606

EXAMINER

DUNHAM, JASON B

ART UNIT PAPER NUMBER

3625

DATE MAILED: 12/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/786,880

Applicant(s)

HELMER, NICHOLAS J.

Examiner

Jason B. Dunham

Art Unit

3625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 November 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>8/30/04</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Drawings

New corrected drawings in compliance with 37 CFR 1.121(d) are required in this application because of uneven shading and hand-drawn numbering. Applicant is advised to employ the services of a competent patent draftsman outside the Office, as the U.S. Patent and Trademark Office no longer prepares new drawings. The corrected drawings are required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3, 6-8, and 10-11 are rejected under 35 U.S.C. 102(b) as being anticipated by Smith (U.S. Patent Number 5,860,362).

Referring to claim 1. Smith discloses an electronic system for distributing up to date news information to patrons comprising:

- A central news facility receiving current news information (Smith: abstract);
- A newspaper machine located remote from the central news facility and in communication with the central news facility, said remote newspaper machine

accepting payment from and providing news information to the patrons (Smith: abstract); and

- Said central news facility transmitting the current news information to said newspaper machine when the patron requests news information from the remote newspaper machine (Smith: abstract).

Referring to claim 2. Smith further discloses a system for distributing news wherein said newspaper machine prints out the updated news information transmitted from said central news facility (Smith: abstract).

Referring to claim 3. Smith further discloses a system wherein the newspaper machine permits patrons to selected portions of the updated news information to print out (Smith: abstract).

Referring to claims 6-8. Smith further discloses a system wherein the updated news information is transmitted from the central news facility to the newspaper machine via wireless transmission, a network or the internet (Smith: column 3, lines 30-40).

Referring to claim 10. Smith further discloses a system wherein a patron requests news information from the remote newspaper machine by providing payment (Smith: abstract).

Referring to claim 11. Smith further discloses a system wherein the newspaper machine accepts a rechargeable card for payment (Smith: abstract).

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 4-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Smith (U.S. Patent Number 5,860,362) in view of Miyasaka (U.S. Patent No. 6,766,362).

Referring to claims 4-5. Smith discloses all of the above but does not expressly disclose a system wherein a newspaper machine permits patrons to select a print size or language within which to print out the information. Miyasaka discloses a system for a providing customized newspaper wherein the information can be printed out in a print size or language selected by the patron (Miyasaka: column 5: lines 8-14 & column 12: lines 31-49). It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to have modified the system of Smith to allow patrons to print the newspaper in the size or language of their choice, as taught by Miyasaka, to allow further customization by the patron (Miyasaka: abstract).

Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Smith (U.S. Patent Number 5,860,362) in view of Malaspina (U.S. Patent No. 5,544,784).

Referring to claim 9. Smith discloses all of the above but does not expressly disclose a system wherein a newspaper machine includes means for accepting newspaper pages and means for providing a recycle credit to a patron. Malaspina

Art Unit: 3625

discloses a system wherein a vending machine accepts used batteries and provides a recycle credit a patron. It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to have modified the vending machine of Smith to have included means for accepting recyclable articles in return for a credit, as taught by Malaspina, to encourage recycling (Malaspina: abstract).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Nelson (U.S. Patent No. 5,845,577) discloses a system for dispensing updated, customized newspapers.

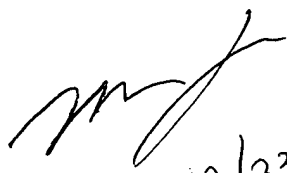
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason B. Dunham whose telephone number is 571-272-8109. The examiner can normally be reached on M-F, 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wynn Coggins can be reached on 571-272-7159. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3625

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JBD
Patent Examiner
12/22/05



12/22/05



WYNN W. COGGINS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600